

1 BREND A H. ENTZMINGER
2 Nevada Bar No. 9800
3 JENNIFER N. TAYLOR
4 Nevada Bar No. 6141
5 **PHILLIPS, SPALLAS & ANGSTADT LLC**
6 504 South Ninth Street
7 Las Vegas, Nevada 89101
8 (702) 938-1510

9
10 *Attorneys for Defendant*
11 *Wal-Mart Stores, Inc.*

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 VALERIE GETTMAN and BILL GETTMAN,

15 Case No.: 2:15-cv-690-JAD-PAL

16 Plaintiff,

v.

17 WAL-MART STORES, INC., dba WAL-
18 MART SUPERCENTER 2050, AND DOES I
19 through X,

20 Defendants.

21
STIPULATION AND [PROPOSED]
ORDER TO CONDUCT CERTAIN
DEPOSITIONS AFTER THE CLOSE OF
DISCOVERY

22
[FIRST REQUEST]

23 Defendant WAL-MART STORES, INC., by and through its attorneys of record, the law firm
24 of PHILLIPS, SPALLAS & ANGSTADT, LLC, and Plaintiff BILL GETTMAN (“Plaintiff”), by and
25 through his counsel of record, PAUL M. GAUDET, ESQ., do hereby stipulate to allow the parties to
conduct certain depositions after the close of discovery.

26 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested leave.
27 The parties have worked and continue to work in good faith, to conduct this discovery. However,
because of the limited availability of the respective deponents and various conflicts of counsel, these
depositions remain to be conducted.

28 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the first such discovery
stipulation requested in the matter.

1 Pursuant to Local Rule 26-4, the parties state the following:

2 **(a) Discovery completed**

3 The parties have conducted an FRCP 26(f) conference and have served their respective FRCP
4 26(a) disclosures. Both parties have propounded written discovery requests—including
5 interrogatories, requests for admission and requests for production. Both parties have answered
6 propounded written discovery requests. Depositions have been conducted of both Plaintiffs and a
7 Walmart employee. Plaintiff, Bill Gettman's FRCP 35 Independent Medical Evaluation was held on
8 July 24, 2015.

9 **(b) Specific Description Of Discovery That Remains To Be Completed**

10 Defendant's depositions of Plaintiff's experts regarding Plaintiff, Bill Gettman's damages
11 claim. These experts are: Dr. Matthew Otten of Advanced Ortho & Sports Medicine and Dr. Holman
12 Chan of Nevada Orthopedic & Spine Center.

13 **(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining Discovery Was
14 Not Completed Within The Time Limits Set By The Discovery Plan**

15 The parties have completed all necessary discovery except for the depositions dependent on
16 the scheduling availability of the deponents and both counsel. Defendant scheduled the depositions of
17 Dr. Otten for October 9, 2015 and Dr. Chan for October 12, 2015, respectively. However, prior to the
18 scheduled depositions, each doctor's office contacted defense counsel to advise the doctors were not
19 available for deposition on the scheduled dates. Dr. Chan's office has advised he is available for
20 deposition on November 4, November 11 or November 18, 2015. Dr. Otten's office has advised he is
21 available for deposition on October 15 or October 22, 2015.

22 Despite the good faith efforts of the parties to comply with the Court's discovery deadlines,
23 Plaintiff's expert was unavailable for deposition prior to the current discovery deadline. This
24 stipulation seeks to conduct the depositions of these two (2) physicians and is not a request for an
25
26
27
28

1 extension of the discovery deadlines.

2 **(a) Proposed Schedule For Completing All Remaining Discovery**

3 The parties note that discovery in this matter will close on October 13, 2015. All discovery in
4 this matter has been completed, with the exception of the two (2) depositions listed above. The parties
5 therefore respectfully request that the parties be granted leave as defined above to conduct this
6 discovery after the close of discovery on October 13, 2015.

7 As the completed discovery demonstrates, the parties have been reasonable and diligent in
8 adhering to this Court's Discovery Plan and Scheduling Order in conducting the completed discovery.
9 If this stipulation is granted, the two (2) expert depositions should be completed within the next thirty
10 (30) days. The parties aver that this stipulation is not made with dilatory intent; rather, it is a response
11 by the Plaintiff's medical experts, out of professional courtesy, to the respective availability of the
12 deponents and counsel.

13 Dated this 13th day of October, 2015.

14 Dated this 13th day of October, 2015.

15 /s/ Paul M. Gaudet
16 PAUL M. GAUDET, ESQ.
17 Nevada Bar No. 4612
18 6671 S. Las Vegas Blvd., Suite 210
19 Las Vegas, NV 89119

20 /s/ Brenda H. Entzminger
21 Brenda H. Entzminger
22 Nevada Bar No. 9800
23 PHILLIPS SPALLAS & ANGSTADT
24 504 South Ninth Street
25 Las Vegas, NV 89101

26 *Attorneys for Plaintiffs'*
27 *Valerie Gettman and Bill Gettman*

28 *Attorneys for Defendant*
29 *Wal-Mart Stores, Inc.*

30 **IT IS SO ORDERED:**

31 Tanya S. See
32 UNITED STATES MAGISTRATE JUDGE

33 **DATED:** October 27, 2015

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 13th day of October, 2015, I served a true and correct copy of the
3 foregoing, **STIPULATION AND [PROPOSED] ORDER TO CONDUCT CERTAIN**
4 **DEPOSITIONS AFTER THE CLOSE OF DISCOVERY** via U.S. Mail, in a sealed envelope, first-
5 class postage fully prepaid, addressed to the following counsel of record, at the address listed below:
6

7 ATTORNEY OF RECORD	8 TELEPHONE/FAX	9 PARTY
10 PAUL M. GAUDET, ESQ. Nevada Bar No. 4612 6671 S. Las Vegas Blvd., Suite 210 Las Vegas, NV 89119	11 Phone 702-385-7475 Fax: NO FAX	12 Plaintiffs

13 _____
14 */s/ Billi Montijo*
15 An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC
16
17
18
19
20
21
22
23
24
25
26
27
28